

OPERATION OF THE NATIONAL PARK SYSTEM

Appropriation Language

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,631,882,000, of which \$21,980,000 is to be derived from the Land and Conservation Fund: Provided, That \$6,887,000, to remain available until expended, is for planning and interagency coordination in support of Everglades restoration; \$98,480,000, to remain available until September 30, 2005, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and \$23,980,000 is for conservation spending category activities, including \$2,000,000 for the Youth Conservation Corps for high priority projects: Provided further, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

Note. – A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.

Justification of Major Proposed Language Changes

1. Addition: "of which \$21,980,000 is to be derived from the Land and Water Conservation Fund: Provided the \$6,887,000 to remain available until expended, is"

This language is proposed to earmark funds to be derived from the Land and Water Conservation Fund and to earmark funds for the planning and interagency coordination supporting Everglades restoration to be available beyond one year.

2. Deletion: "shall remain available until expended; of which \$90,280,000"

This language is no longer needed

3. Deletion: "of which not less than \$9,000,000 is for reimbursement of the United States Geological Survey for conduct of National Park Service Natural Resource Challenge activities of which \$22,000,000"

This language is no longer needed as it relates to FY 2003 only

4. Deletion: "pursuant to 251 (c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits; and of which;"

A new General Provision, Sec. 323, is proposed, applying this legal reference to all funding for "conservation spending category activities, thus making it unnecessary to quote the reference in each Appropriation.

5. Addition: ", including"
6. Deletion: "is"

7. Deletion: ", defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act,"

A new General Provision, Sec. 323, is proposed, applying this legal reference to all funding for "conservation spending category activities," thus making it unnecessary to quote the reference in each Appropriation.

8. Addition: "Note. – A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amount included for 2003 in this budget reflect the Administration's 2003 policy proposals."

Addition of this note is needed to explain the source of figures used for Fiscal Year 2003, in the absence of an enacted appropriation.

Appropriation Language Citations

1. For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service

16 U.S.C. 1-17n, 18f, 451-458a, 590a, 460 l-22 and 594 create the National Park Service, define the National Park System, and provide various authorities related thereto, including authority for management, operation, and maintenance of areas and facilities administered by the National Park Service.

Other parts of the United States Code provide authorities related to certain subjects, as follows:

5 U.S.C. 5901-5903 and 16 U.S.C. 1a-4: Uniform allowance for employees of the National Park Service.

16 U.S.C. 20-20g: Concessioner activities.

16 U.S.C. 21 - 450rr-6, 459 to 460a-11, and 460m - 460zz-11: Specific national park areas or categories of National Park areas.

16 U.S.C. 460 l-6a: Recreation fees and fee collection and use.

16 U.S.C. 461-467: Acquisition, operation and management of historic and archeological sites, buildings, and properties.

16 U.S.C. 1131-1136: National Wilderness Preservation System.

16 U.S.C. 1241-1249: National Scenic and National Historic Trails.

16 U.S.C. 1281(c): National Wild and Scenic Rivers System components.

43 U.S.C. 620g: Colorado River storage projects lands.

2. (including special road maintenance service to trucking permittees on a reimbursable basis),

No specific authority. This provision was inserted into the appropriation language in the FY 1954 budget. It stemmed from an emergency need that developed during 1952 at Big Bend National Park, Texas. The road system at Big Bend became a transit for the heavy trucking of ore for defense purposes between Boquillas, Mexico, and the nearest railroad at Marathon, Texas. The weight, size, and capacity of the trucks being used were far beyond that for which the park road system was designed. As a result, the additional cost for maintenance and repair was far in excess of available road maintenance funds. To meet this emergency, the Defense Materials Procurement Agency made available the sum of \$100,000 to rehabilitate and strengthen the road, with the understanding that the National Park Service would subsequently maintain all sections of it, such maintenance to be financed by reimbursement from the trucking permittees at a rate of 2 cents per mile.

3. and for the general administration of the National Park Service, \$_____.

16 U.S.C. 1, which creates the National Park Service, authorizes this provision, which is included because of the desire of Congress to collect the agency's general administrative expenses in one appropriation.

4. of which \$_____ for planning and interagency coordination in support of Everglades restoration shall remain available until expended;

16 U.S.C. 410r-5 to 410r-8, the Everglades National Park Protection and Expansion Act of 1989, as amended, authorizes activities to restore Everglades National Park, and appropriations for this purpose.

5. of which \$_____, to remain available until September 30, [Budget FY +1], is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments;

16 U.S.C. 1, which creates the National Park Service, authorizes this provision, which provides for certain activities as part of management, operation, and maintenance by the National Park Service.

6. of which not less than \$_____ is for reimbursement of the United States Geological Survey for conduct of National Park Service Natural Resource Challenge activities;

16 U.S.C. 1 requires the National Park Service "to conserve the scenery and the natural ... objects and the wildlife therein ... in such manner and by such means as will leave them unimpaired for the enjoyment of future generations", which would authorize activities to protect natural resources in park areas.

7. of which \$_____ is for conservation spending category activities pursuant to 251 (c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits;

2 U.S.C. 901(c), Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, provides discretionary spending limits by fiscal year for the conservation spending category and for each of its sub-categories.

8. and of which \$_____ is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act, for the purposes of such Act, for high priority projects:

2 U.S.C. 900(c)(4)(E)(xii), which is section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, lists the Youth Conservation Corps as one of several activities that another part of the Act (section 250(c)(4)(H)) includes in the Urban and Historic Preservation subcategory of the conservation spending category.

16 U.S.C. 1701-1706 establishes the Youth Conservation Corps, defines how it shall be administered, and authorizes appropriations not to exceed a Governmentwide total of \$60,000,000 for each fiscal year.

9. *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures,

Public Law 102-381 (106 Stat. 1384) includes the following provision in the Administrative Provisions for FY 1993 appropriations to the National Park Service: "... hereafter, any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations"

16 U.S.C. 1a-6, Section 10 of the National Park System General Authorities Act, as amended, authorizes the law enforcement activities of the United States Park Police.

10. those funds needed to maintain and repair United States Park Police administrative facilities,

16 U.S.C. 1, which creates the National Park Service, includes implied authority to maintain and repair its administrative facilities.

11. and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

16 U.S.C. 1a-6 authorizes the law enforcement activities of the U. S. Park Police. The proposed language would make it easier to provide the funding needed for unforeseen events requiring the use of the U.S. Park Police.